



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Second Amended Petition for: (1) Removal of Mary M. Davis as Executor of the Estate;

(2) Compelling Account and Report of Administration of Estate; (3) Appointment of Lynette Lucille Duston and Warren Leslie Davis as Successor Co-Executors of Estate.

[Probate Code §§8420, 8421, 8500, 8501, 8502, 8800, 8804, 10950, 12200, 12204, and 12205]

DOD: 7-9-10		<p>LYNETTE LUCILLE DUSTON and WARREN LESLIE DAVIS, Daughter and Son of the Decedent, are Petitioners.</p> <p>On 10-18-10, Decedent's Will dated 12-7-04 was admitted to probate and MARY M. DAVIS, Surviving Spouse, was appointed Executor with Full IAEA without bond on 10-18-10. Letters issued on 10-19-10.</p> <p>Petitioners state more than 18 months have elapsed since Letters were issued and Mary has neither filed an account nor report of status of administration. Petitioners object to the continuation of Mary as the personal representative and seek to remove her as executor for the following reasons:</p> <ul style="list-style-type: none"> • §8502(c). Mary has wrongfully neglected the estate, or has long neglected to perform any act as personal representative. <p>On 3-17-11, a substitution of attorney was filed in the proceeding. From that date until the original petition for removal was filed on 6-26-12, there had been no court action taken in this matter. Since then, the only action taken was to file another substitution of attorney and oppose the petition for removal.</p> <ul style="list-style-type: none"> • §8804(b). Mary has failed to file an inventory and appraisal within the prescribed time. • §12200. Mary has failed to render a report of the status of the administration. • §8502(a). Mary has wasted, embezzled, mismanaged, and committed a fraud on the estate. Mary has, <i>inter alia</i>, admitted during a deposition that she had liquidated assets of the Decedent's estate which were specific bequests to one of the Petitioners to pay for her attorneys' fees and costs in her two civil actions against Petitioners. • §8502(b). Mary is incapable of properly executing the duties of her office, or is otherwise not qualified for appointment as personal representative. Mary is 86 years old and has made claims for elder abuse in a lawsuit she filed against one of the Petitioners and has made representations that she is susceptible to undue influence. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-22-13: The Court overrules both the general demurrer and the demurrer for uncertainty. The Court is informed that arbitration is scheduled for 2/25/13. Mr. Farley informs the Court that he will be filing a partial inventory and appraisal. The Court orders the executor not to dispose of any assets in her control without a noticed hearing and approval by the Court. Set on 3/8/13 @ 9:00 a.m. Dept. 303 for: Status Hearing</p> <p>1. Need update re: 2-25-13 arbitration (referenced in Minute Order).</p> <p>Note: Final I&A has now been filed; therefore, the separate status hearing for filing of the final I&A has been taken off calendar.</p>	
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Page 2

Petitioners cite authority in addition to the statutory references above regarding the Court's power to remove a personal representative for other cause, for example, adverse interest or hostile acts, and state removal of Mary as executor is necessary to protect the Decedent's estate and its heirs.

Petitioners state it is also proper for this Court to order Mary to account which shall include both a financial statement and report of administration of the estate, and specifically show the condition of the estate. Furthermore, it is proper for the Court to reduce compensation of Mary and her attorneys by an appropriate amount.

Petitioners state they are entitled to appointment as personal representatives of the estate because they were nominated as successor co-executors in the event Mary shall for any reason fail to qualify or cease to act as executor.

It is hereby requested that this Court appoint Petitioners as successor co-executors to serve without bond and with full IAEA.

Petitioners pray as follows:

1. That citation issue to Mary M. Davis to show cause why she should not be removed as personal representative;
2. The Court forthwith suspend the powers of Mary M. Davis as personal representative and revoke the Letters issued 10-18-10;
3. For an order to appoint Petitioners as personal representatives with Full IAEA without bond;
4. For an order that Mary M. Davis file an account of the administration in accordance with Probate Code § 10900 and specify a reasonable time within which the account must be filed, which Petitioners suggest should be no later than 60 days from the date of her removal;
5. For an order that Mary M. Davis surrender all property in her possession belonging to the estate of the Decedent to the duly appointed and qualified successor co-executors;
6. For attorney's fees and costs of suit incurred herein; and
7. For such other orders and further relief as the Court deems just and proper.

Update: Mary M. Davis' Fourth Report of Status of Administration of Estate filed 5-6-13 states:

The Final I&A was filed concurrently with this status report. Executor has retained Robert L. Sullivan of McCormick Barstow to associate in as co-counsel with Farley Law Firm to assist with the filing and account and any final matters to close the estate.

Since the last status hearing, two new issues requiring the Court's assistance have emerged:

1. **Deposition:** In the recently settled partnership litigation against Executor, Executor was subjected to a grueling deposition by Petitioners' counsel, Dias Law Firm. As such, the anticipation of another deposition has been the source of anxiety and stress to the Executor.

Although Executor and counsel do not contest Petitioners' right to depose Executor, in an effort to shield Executor from improper and unnecessary stress and inquiries, counsel has sought to narrow the parameters of the deposition, without success. Correspondence attached.

Contrary to Petitioners' assertions that Executor is seeking to avoid her deposition, Executor seeks to narrow the scope of her deposition to disallow Peittioners' fishing expedition and inquiries that are irrelevant and premature. The Executor's deposition after the filing of an account and report, barring inquiries into incompetency and those matters better directed to the accountant, would serve to effectuate a more orderly, productive, and cost effective deposition. Executor respectfully requests the Court's determination accordingly.

2. **Antiques:** I&A Partial #2 filed 2-13-13 includes Decedent's one-half community property interest in an antique table and chair and other furniture, furnishings and personal effects for a total of \$15,000 (\$7,500 to Decedent's interest). Petitioner contend that the I&A does not adequately describe and account for these items. After correspondence, and although Executor believes the I&A adequately includes these items, Executor is in the process of retaining the services of an appraiser to inventory and appraise the antiques, which is expected the last week of June 2013. Therefore, until the Supplemental I&A can be submitted to the Probate Referee and appraisal is complete, a final account cannot be filed.

Executor therefore respectfully states that good cause exists to:

- 1) Extend the time to file an account to a date after receipt of the Supplemental I&A;
- 2) Disallow inquiries at Executor's deposition regarding, seeking to determine, and otherwise addressing, mentioning, or referring to the Executor's competency, pending further order of the Court;
- 3) Disallow inquiries regarding the legal services rendered to the Executor pending further order of the Court; and
- 4) The Executor's deposition is to be scheduled to a date after the filing of the account and report in this matter.

Note: Examiner notes that the Status Report requests relief that may be more appropriate for Court review in the context of a discovery *motion*, which requires filing fee and separate hearing. The Court may require a motion to be filed.

Note: The Court may set further status hearing for the filing of the Supplemental or Corrected I&A and the filing of the final account.

<div style="border: 1px solid black; padding: 2px;">Age: 3</div> <div style="border: 1px solid black; padding: 2px;">Cont. from 040813</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td></td><td>Notice of Hrg</td><td>X</td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>W</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td>✓</td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td></td><td>Order</td><td>X</td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg	X	✓	Aff.Mail	W		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt		✓	CI Report			9202			Order	X		Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p>JORGE L. LOPEZ, Father of Jorge Eduardo Zaragoza, is Petitioner.</p> <p>MARIA DE JESUS ZARAGOZA GOMEZ, Maternal Aunt, was appointed Guardian of this minor and his three siblings on 4-16-12.</p> <p>Mother: Juana Zaragoza Gomez - Deceased</p> <p>Paternal Grandfather: Silvestre Lopez Carbajal Paternal Grandmother: Teodoza Vasquez Gerardo</p> <p>Maternal Grandfather: Ricardo Zaragoza</p> <p>Maternal Grandmother: Maria Gomez</p> <p>Siblings: Ashley Lopez, Anthony Lopez, Cesar Zaragoza Gomez, Dassy Madrigal, Ashley Zaragoza</p> <p>Petitioner states he is married with two children from said marriage. He seeks guardianship of Jorge Eduardo Zaragoza so that he can raise him in a family environment that will allow their relationship to continue. He will continue to provide support, education, medical services, and care for the minor.</p> <p>Declaration filed 3-19-13 by Guardian Maria Zaragoza states the children whose mother is deceased, including Jorge Eduardo Zaragoza, have lived in her home for about five years, including with their mother when she was alive. The maternal grandmother also lives in the home. Jorge's father has not been in his life until recently. Prior to the mother passing away, Petitioner refused to recognize Jorge Eduardo Zaragoza as his child. On several occasions, Ms. Zaragoza tried to show him pictures of his son, but he refused to look. The minor does not want to live with his father and new family as he is not familiar with them and is not used to them. Jorge and his siblings recently lost their mother and now show signs of being terrified with the idea of losing each other. The older children have expressed fear that they will lose their brother Jorge since they became aware of this proceeding. The guardian states the minor does not need a new family setting as he already has one and is very happy with this stable family.</p> <p style="text-align: center;">SEE PAGE 2</p>	<div style="border: 1px solid black; padding: 2px;">NEEDS/PROBLEMS/COMMENTS:</div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>CONTINUED TO 6-6-13</p> </div> <p>per Mediation Agreement filed 4-25-13 and Notice of Changed Calendar Setting mailed 4-29-13.</p> <p><u>This petition pertains to minor Jorge Eduardo Zaragoza only.</u></p> <p>1. Need order (mandatory Judicial Council Form GC-260, unless the Court requests Order After Hearing with additional details).</p> <div style="border: 1px solid black; padding: 2px;">Reviewed by: skc</div> <div style="border: 1px solid black; padding: 2px;">Reviewed on: 5-7-13</div> <div style="border: 1px solid black; padding: 2px;">Updates:</div> <div style="border: 1px solid black; padding: 2px;">Recommendation:</div> <div style="border: 1px solid black; padding: 2px;">File 3A – Gomez, Madrigal & Zaragoza</div>
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Guardian states (Continued): The guardian is concerned that Petitioner wants to remove Jorge from the only family and home that he has ever known, and also change his name, and that if his father takes him away from his family now, it will make things worse, not better. The guardian states she tried to explain this to Petitioner, but he insisted that the minor needs to be with him. He does not appear to be concerned about what the minor wants or how he would feel if he were taken away from his family and siblings after the loss of his mother.

Guardian states that in her opinion, the Court should reduce the visitation, because the minor does not appear to be adjusting well. On or about 1-17-13, the parties had a four-way conference and at the meeting, the guardian realized that Petitioner is not focusing on the best interest of the child because he does not realize that the child does not want to leave his family.

Guardian states she would agree to revisit the visitation schedule as long as the minor shows signs of being accustomed to change and his new family. However, she is concerned about Petitioner permanently taking the child as he believes the child is young and will eventually get used to his new "real" family and forget how much he is used to his siblings he is now with. Petitioner does not care about the siblings, which is disturbing, because they care about their brother.

Guardian states she is concerned for the child every time he leaves, as he cries and hesitates to visit the father's home. The guardian asks the Court for the child to stay in her home and not be separated from his siblings.

Court Investigator Samantha Henson filed report on 3-29-13.

Update: Mediation Agreement filed 4-25-13 indicates that visitation will be allowed freely during the week and on weekends to create opportunities for the family to get to know each other, establish trust, and transition smoothly from the current guardian to the father. The father will maintain relationships established with the child's maternal siblings to ease possible stress caused by the transition. Further mediation check-in will be on 5-22-13. The parties agree to request continuance to allow 30 days to exercise this agreement.

Note: *Per the agreement, a Notice of Changed Calendar Setting was mailed to the parties reflecting a new continued hearing date of 6-6-13.*

**Cesar Atzael Zaragoza Gomez, Dassy Jaelinne Madrigal,
Ashley Dyann Zaragoza, and Jorge Eduardo Zaragoza (GUARD/P)
Fanucchi, Edward L. (for Jorge Luis Lopez – Father – Petitioner)
Pulido, Reynaldo Carrillo (for Maria Zaragoza – Guardian)**

DOD: 1-5-92	NICHELLE LAWS , Granddaughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 2-5-13, 3-8-13, 4-12-13</u> <u>As of 5-7-13, nothing further has been filed.</u> <u>The following issue remains:</u>
	40 days since DOD	
Cont. from 020513, 030813, 041213	No other proceedings	1. Petitioner does not have authority to petition on behalf of her parent Willie Earl in this summary proceeding without appointment as personal representative.
Aff.Sub.Wit.	I&A: \$40,000.00	Petitioner may wish to consider a special administration of Willie Earl's estate (which would be a separate case) for the sole purpose of signing an amended petition in this case as personal representative to pass the property to Willie Earl.
Verified	Decedent died intestate	Then, Petitioner, as the proper successor in interest to Willie Earl's estate, could petition to pass the property to her, either via petition to determine succession or by affidavit procedure, if appropriate.
Inventory	Petitioner is issue of the decedent's post-deceased only child Willie Earl and requests court determination that decedent's 100% separate property interest in real property located at 2370 S. Eunice in Fresno passes to Willie Earl.	<u>Note: This information is procedural only.</u> <u>The attorney may wish to consider options with reference to applicable code/authority.</u>
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Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 5-7-13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 5 – Earl

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 3-16-08		<p>NANCY VARELA was appointed Executor with Full IAEA without bond and Letters issued on 6-3-08.</p> <p>Notice of Pendency of Action filed 10-19-12 by California Attorney General states that on 10-5-12, an action entitled "Toby Douglas, Director of the Department of Health Care Services, vs. Nancy Varela, as Personal Representative of the Estate of Elvira Robles Betts aka Elvira Betts, Decedent; and Does 1 through 20, inclusive," Case No. 12CECG0334. The nature of the action is a Complaint to Enforce and Collect Money Due on Medi-Cal Creditor's Claim for \$105,727.59 pursuant to W&I Code § 14009.5.</p> <p>Therefore, on 10-19-12, the Court set this status hearing for failure to file a first account or petition for final distribution.</p> <p>I&A filed 12-4-12 indicates a total estate value of \$130,075.00 as of the date of death, including residential real property located at 1724 North West in Fresno and various personal property items.</p> <p>Status Report filed 4-26-13 states the real property has been sold; however, there are insufficient assets remaining to pay the claim. During the pendency of these proceedings, the Attorney General's office, on behalf of Claimant, filed a civil suit against the Executor, and she has had to hire another attorney, Gary Motsenbocker, to assist in defending that action.</p> <p>In order to close the estate, an accounting is being prepared, and the civil action must be concluded so that the dollar amount of extraordinary fees can be determined. Executor estimates approx. two months are needed and requests continuance.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 12-14-12, 2-8-13</u></p> <p>Note: Executor Nancy Varela is the wife of the Decedent's son Reuben T. Varela.</p> <p>Note: California Dept. of Health Care Services filed a Creditor's Claim on 9-15-08 for \$105,727.59, along with Request for Special Notice. Executor filed an Allowance on 8-20-09.</p>	
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**Probate Status Hearing Re: (1) Failure to File Inventory & Appraisal; (2) Failure to
File a First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]**

DOD: 12/21/2005	KAMLJIT K. ASHAT , surviving spouse, was appointed as Administrator with full IAEA authority and without bond on 2/10/2009.	NEEDS/PROBLEMS/COMMENTS:
	At the time of the filing of the Petition for Probate the estate was estimated to be \$2,761,000.00.	Continued from 3/22/13. Minute order states Counsel informs the Court that his client moved to Sacramento so the documents are slow in getting to him.
Cont. from 022213, 032213	The decedent died intestate survived by his spouse and three children, one of which is a minor.	
Aff.Sub.Wit.	Inventory and appraisal was due July 2009.	1. Need Inventory and Appraisal, first account, petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matter set for Status Hearing (unless inventory and appraisal <u>and</u> accounting or petition for final distribution has been filed) verified Status Reports must be filed no later than ten (10) days before the hearing and shall be served on all interested parties.
Verified		
Inventory	First account or a petition for final distribution was due April of 2010.	
PTC		
Not.Cred.	Notice of Status Hearing was mailed to attorney William Cowin on 12/19/2012.	
Notice of Hrg		
Aff.Mail	Preliminary Status Report filed on 2/21/13 states but for several lawsuits that arose after the death of the decedent, this probate could have been finalized at an earlier date. With the exception of a parcel of real property located on Blackstone Avenue, all real and personal property assets on the estate are community property. The piece of property on Blackstone was purchased with community funds by the decedent when Mrs. Ashat was temporarily out of the country and title was taken in the name of the decedent temporarily. The above referenced litigation involved a case where Mrs. Ashat and the Estate brought an unlawful detainer action against tenants regarding a portion of the Blackstone property. That case was settled. The second case is a Federal case, case no. 1:121-CV-00224-AWI-SMS styled <i>Delgado v. Abdo Saleh, USA Gas & Grocery and Kamaljit K. Ashat</i> . This issue is a man in a wheel chair who habitually files complaints against businesses whose bathrooms do not meet code standards. The estate attorney is of the opinion that the estate cannot be closed until this Federal case is concluded. The Federal case has finally been resolved and closed in late 2012 and the attorney's office was only recently informed that the Federal case has been concluded. They will now be moving forward with completing a final accounting, transfer of title to Mrs. Ashat and closing this estate.	
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Reviewed by: KT

Reviewed on: 5/8/13

Updates:

Recommendation:

File 8 - Ashat

		<p>NATALIE C. SULLIVAN was reappointed as Successor Trustee without bond pursuant to agreement of the family and Minute Order 10-19-11.</p> <p>The Public Guardian, former Successor Trustee, presented his First and Final Account, which was settled on 3-7-12.</p> <p>Minute Order 3-7-12 states Mr. Fanucchi advises the Court that all the properties have been rented or are in a position to be rented. The Court set this status hearing Re Accounting.</p> <p>Status Report filed 1-31-13 by Attorney Fanucchi states the trustee has delivered the bank statements and her accounting of receipts and disbursements since she became successor trustee to her attorneys. The paralegal is currently preparing the accounting petition and schedules which should be ready for filing by the end of February 2013.</p> <p>Minute Order 2-6-13: Counsel informs the Court that the status statement has been filed however, he has received numerous documents. Matter continued to 4/12/13. The Court directs counsel to submit a declaration regarding the status of Rachel. Continued to 4/12/13.</p> <p>Minute Order 4-12-13: No appearances. The Court sets the matter for an Order to Show Cause on 5/10/13 regarding failure to appear and imposition of sanctions in the amount of \$500.00. The Court orders Edward L. Fanucchi to be personally present on 5/10/13. In addition, Edward L. Fanucchi is ordered to file a status report one week before the next hearing. Continued to 5/10/13 at 9:00am in Dept. 303. Set on 5/10/13 at 9:00am in Dept. 303 for Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00. (See OSC – Page 9B)</p> <p>Status Report filed 4-18-13 (unverified) states schedules have been completed, but they do not balance. The successor trustee is currently going through records to ascertain the difference between credits and charges. It is anticipated that the accounting will be filed in the next four weeks.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Background: Per the trust, the trustees are required to pay to or apply for the benefit of Eddie Ortega, son of Trutors, for the duration of his life, after which time the trust is to be distributed to other sibling beneficiaries.</p> <p>On 3-18-10, on petition by the current Successor Trustee Natalie C. Ortega Sullivan, the Court removed Co-Trustees Rachel Dominguez and Connie Ortega Ariaz and appointed the Public Guardian as Successor Trustee. In addition, Rachel Dominguez was found to have misappropriated funds and was surcharged \$330,612.28.</p> <p>On 10-19-11, on petition by the current Successor Trustee Natalie C. Ortega Sullivan and agreement between family members, the Court removed the Public Guardian as Successor Trustee and appointed Natalie C. Ortega Sullivan as Successor Trustee.</p> <p>Minute Order 10-19-11: Counsel advises the Court that the family has signed an agreement to have Natalie handle the trust. He further advises that there are eight homes all together and three of them are on Dakota. The Court grants the petition.</p> <p><u>The Court advises counsel that it will be expecting some closure as to Rachel at the First Accounting.</u></p> <p><u>The Order dated 10-19-11 also requires the Successor Trustee to file annual accountings detailing her acts as successor trustee.</u></p> <p>Note: Natalie C. Ortega Sullivan resides in Haverhill, Massachusetts.</p> <ol style="list-style-type: none"> 1. Need account. 2. Need update regarding Rachel Dominguez <p>Note: Status Reports should be verified by the fiduciary pursuant to Probate Code §§ 1021, 1023.</p>
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Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00

NATALIE C. SULLIVAN was reappointed as Successor Trustee without bond pursuant to agreement of the family and Minute Order 10-19-11.	
Status hearings were held on 2-6-13 and 4-12-13 for the filing of the final account.	
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Citation	
FTB Notice	
Minute Order 4-12-13: No appearances. The Court sets the matter for an Order to Show Cause on 5/10/13 regarding failure to appear and imposition of sanctions in the amount of \$500.00. The Court orders Edward L. Fanucchi to be personally present on 5/10/13. In addition, Edward L. Fanucchi is ordered to file a status report one week before the next hearing. Continued to 5/10/13 at 9:00am in Dept. 303. Set on 5/10/13 at 9:00am in Dept. 303 for Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00.	
Status Report filed 4-18-13 (unverified) states schedules have been completed, but they do not balance. The successor trustee is currently going through records to ascertain the difference between credits and charges. It is anticipated that the accounting will be filed in the next four weeks.	
NEEDS/PROBLEMS/COMMENTS:	
Note: See Page 9A for background.	
Note: The status report does not address the non-appearance on 4-12-13 and does not address the information requested by the Court on 2-6-13 regarding Rachel Dominguez (re surcharge). The Court may require further information.	
Examiner's Note: Please ensure proper top margins for future filings. Margins should allow enough space for hole punches for filing without losing the top lines of each page of the filed document.	
Reviewed by: skc	
Reviewed on: 5-7-13	
Updates:	
Recommendation:	
File 9B – Ortega	

Status Hearing Re: Settlement Agreement

	JAMES LOUIS ROBERTS , Executor, filed a petition for determination of the beneficiaries under the will and for final distribution .	NEEDS/PROBLEMS/COMMENTS: Minute Order 3-29-13: Mr. Bagdasarian informs the Court that they are waiting on the final document to be executed. <u>As of 5-7-13, nothing further has been filed.</u> 1. Need Settlement Agreement and Order for Distribution according to Settlement Agreement.
Cont. from 032913		
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	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
	ANNA B. HINLEY and FRANCES ALBERS , Trustees of the Chester and Lorene Living Trust dated 4/12/07 filed objections requesting distribution of 50% interest in the net Estate be made to the Chester and Lorene Living Trust dated 4/12/2007, and that the Estate be ordered to reimburse Gary Bagdasarian the sum of \$18,095.71 as compensation for services on behalf of the Objectors. Minute Order 1-2-13: Greg Roberts appearing via conference call. Ms. Lind objects to the payment of fees to Mr. Bagdasarian's client. The Court sets a Settlement Conference on 3/4/13. The Court directs counsel to submit their Settlement Conference Statements on week before the hearing. Matter set for Court Trial on 3/15/13 with a one day estimate. Minute Order 3-4-13: Also present in the courtroom are Donna Wyatt and Gail Brown. Frances Albers is appearing via conference call. Parties reach a settlement agreement as fully stated on the record by Mr. Roberts. Parties agree that the trust will waive any and all claims as to the Probate estate. In addition, parties agree to waive further accountings of the trust and estate and all objections are withdrawn. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement agreement. Mr. Roberts is directed to prepare the settlement agreement. The settlement agreement and order regarding the withdrawals from the blocked account(s) to be submitted on an ex parte basis. Set on 3/29/13 at 9am i nDept 303 for Status Re: Settlement Agreement Order signed 3-15-13 provides at #8: "The beneficiary of the amount of \$119,359.98 will be covered in the Settlement Agreement.	

Age: 13 years		STEPHANIE LASSLEY , Mother, was appointed Guardian of the Estate on 6/8/10 with all funds to be placed in a blocked account. Letters issued on 6/8/2010.	NEEDS/PROBLEMS/COMMENTS: 1. Need First Account and report of guardian.
Cont. from		Inventory and appraisal filed on 1/4/11 shows the estate value at \$676,276.36.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Minute Order from Status Hearing regarding mother's employment on 03/15/13 set this matter for status regarding filing of the First Account.	
<input type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 05/07/13
			Updates:
			Recommendation:
			File 11 – Lassley

Age: 14	STEPHANIE LASSLEY , Mother, was appointed Guardian of the Estate on 6/8/10 with all funds to be placed in a blocked account. Letters issued on 6/8/2010.	NEEDS/PROBLEMS/COMMENTS: 1. Need First Account and report of guardian.
Cont. from	Inventory and appraisal filed on 1/4/11 shows the estate value at \$676,276.36.	
Aff.Sub.Wit.	Minute Order from Status Hearing regarding mother's employment on 03/15/13 set this matter for status regarding filing of the First Account.	
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 05/07/13
		Updates:
		Recommendation:
		File 12 – Lassley

<div style="border: 1px solid black; padding: 2px;">DOD: 2-24-12</div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;">Cont. from 031513</div> <div style="border: 1px solid black; padding: 2px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 100px;">Aff.Sub.Wit.</td><td style="width: 50px;"> </td></tr> <tr><td>Verified</td><td> </td></tr> <tr><td>Inventory</td><td> </td></tr> <tr><td>PTC</td><td> </td></tr> <tr><td>Not.Cred.</td><td> </td></tr> <tr><td>Notice of Hrg</td><td> </td></tr> <tr><td>Aff.Mail</td><td> </td></tr> <tr><td>Aff.Pub.</td><td> </td></tr> <tr><td>Sp.Ntc.</td><td> </td></tr> <tr><td>Pers.Serv.</td><td> </td></tr> <tr><td>Conf. Screen</td><td> </td></tr> <tr><td>Letters</td><td> </td></tr> <tr><td>Duties/Supp</td><td> </td></tr> <tr><td>Objections</td><td> </td></tr> <tr><td>Video Receipt</td><td> </td></tr> <tr><td>CI Report</td><td> </td></tr> <tr><td>9202</td><td> </td></tr> <tr><td>Order</td><td> </td></tr> <tr><td>Aff. Posting</td><td> </td></tr> <tr><td>Status Rpt</td><td> </td></tr> <tr><td>UCCJEA</td><td> </td></tr> <tr><td>Citation</td><td> </td></tr> <tr><td>FTB Notice</td><td> </td></tr> </table> </div>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<p>KENNETH ROBERTS, Father, was appointed Administrator with Full IAEA with bond of \$20,000.00 on 10-18-12.</p> <p>At hearing on 10-18-12, the Court set this status hearing for filing of the Inventory and Appraisal.</p> <p>Bond was filed on 2-22-13. Letters issued 3-14-13.</p> <p>Status Hearing Statement (unverified) filed by Mr. Donaldson states Letters were obtained 3-14-13 and he will prepare the I&A before 3-30-13 and forward it to the Probate Referee.</p> <p>Mr. Donaldson states it is the intent of the administrator to transfer the property 50/50 to Jessica Roberts and to the Jennifer Roberts SNT., and he believes the above tasks can be completed by 7-30-13 and the First and Final Accounting can be filed before 8-15-13.</p>	<div style="border: 1px solid black; padding: 5px;"> NEEDS/PROBLEMS/COMMENTS: <u>Continued from 3-15-13</u> <u>As of 5-7-13, nothing further has been filed. The following issues remain:</u> </div> <ol style="list-style-type: none"> 1. Need Inventory and Appraisal. 2. Joanne Sanoian, attorney for Christina Roberts, Trustee of the Jennifer Roberts Special Needs Trust, filed a Request for Special Notice on 2-19-13. If this matter is continued, need proof of service of Notice of Hearing pursuant to the Request for Special Notice. <p style="margin-left: 40px;">(Jessica Roberts is the decedent's daughter.)</p>
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FTB Notice																																																
		Reviewed by: skc Reviewed on: 5-7-13 Updates: Recommendation: File 13 - Roberts																																														

DOD: 11/18/12		<p>BEVERLY T. ADAMS was appointed as Executor with full IAEA authority and without bond on 6/25/2012.</p> <p>Letters issued on 6/28/12.</p> <p>Minute Order dated 6/25/12 set a status hearing for the filing of the inventory and appraisal on 10/26/12. Matter was continued to 11/09/12.</p> <p>Status Report filed 11/8/12 states Beverly Adams needed to be appointed in order to file a lawsuit on behalf of the Decedent and an inventory and appraisal is not needed. In the event of a settlement or judgment in the litigation, the Personal Representative will file and inventory and appraisal at that time.</p> <p>Minute Order from hearing on 11/09/12 set this matter for a status hearing and states: Counsel informs the Court that aside from lodging a lawsuit, there is nothing to inventory & appraise.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Status Update.</p>
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Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 05/07/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Adams</p>	

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 07/17/12		<p>KATHRYN LOPEZ, daughter, was appointed Administrator with limited IAEA authority and bond set at \$150,000.00 on 10/03/12. Letters were issued on 10/26/12.</p> <p>Minute Order from hearing on 10/03/12 set this matter for status regarding filing of the Inventory & Appraisal.</p> <p>Inventory & Appraisal, partial #1 filed 03/05/13 - \$138,225.00</p> <p>Inventory & Appraisal, partial #2 filed 05/06/13 - \$9,500.00</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory & Appraisal.</p>
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<input type="checkbox"/>	FTB Notice		
		<div>Reviewed by: JF</div> <div>Reviewed on: 05/07/13</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 15 – Lopez</div>	

Status Hearing Re: Filing of the Receipt for the Blocked Account

DOD: 06/22/2012		<p>KAREN K. WILLIAMS, was appointed appointment as administrator with limited authority without bond.</p> <p>Minute Order of 04/10/2013: Counsel informs the Court that all parties were noticed for the previous hearing, but not for today's. The Court grants the petition on the condition that counsel submits a blocking order and an amended order indicating the amount that is to be deposited in the blocked account. In addition, counsel is the address item #2 in the examiner notes.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need blocking order. 2. Need amended order indicating the amount that is to be deposited in the blocked account. 3. Need proof of service of the Amended Petition to Administer Estate on the following: <ul style="list-style-type: none"> • Delphia Williams • Wanda Fletcher • Raymond Williams <p>Note: Once the Court has received the above a status hearing will be needed for the receipt of the blocked account. Therefore an additional status hearing will be set for 06/07/2013.</p>
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Citation			
FTB Notice			
		Reviewed by: LV	
		Reviewed on: 05/08/2013	
		Updates:	
		Recommendation:	
		File 16 – Williams	

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 09/06/12		<p>JEANNIE NIX, sister, was appointed Executor with full IAEA without the requirement of bond on 12/10/12.</p> <p>Letters Testamentary were issued on 12/10/12.</p> <p>Minute Order from hearing on 12/10/12 set this matter for status regarding filing of the Inventory & Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory & Appraisal.</p>
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 05/07/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Bezona</p>	

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 09/19/12	BRETT ALAN TODD , was appointed Executor with full IAEA without bond on 12/13/12.	NEEDS/PROBLEMS/COMMENTS: 1. Need Final Inventory & Appraisal.
Cont. from	Letters Testamentary were issued on 12/13/12.	
Aff.Sub.Wit.		
Verified		
Inventory	Inventory & Appraisal, partial No. 1 filed 02/01/13 - \$133,750.00	
PTC		
Not.Cred.	Inventory & Appraisal, partial No. 2 filed 01/14/13 - \$70,000.00	
Notice of Hrg		
Aff.Mail	Inventory & Appraisal, partial No. 3 filed 02/25/13 - \$324,100.00	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Inventory & Appraisal, partial No. 4 filed 04/12/13 - \$15,843.61	
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Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 05/07/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 18 – Sheely

Status Hearing Re: Filing Proof of Bond

DOD: 11/27/12			ASPEN BELL , daughter, was appointed Executor with Full IAEA and bond set in the amount of \$215,980.00 on 04/09/13. Minute Order from 04/09/13 set this matter for status regarding filing of the bond.	NEEDS/PROBLEMS/COMMENTS: 1. Need bond in the amount of \$215,980.00.
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	Status Rpt			
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	Citation			
	FTB Notice			
Reviewed by: JF				
Reviewed on: 05/07/13				
Updates:				
Recommendation:				
File 19 – Gintz				

Probate Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 09/26/08 Cont. from 121511, 020912, 052412, 071212, 080912, 100512, 111612, 011113, 022213, 041213 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">Aff.Sub.Wit.</td><td style="width: 50%;"></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<p>CHRIS JOHNSON, son, was appointed Executor and Letters were issued on 10/21/10.</p> <p>Minute Order from hearing on 10/21/10 set this matter for status for filing the First Account or Petition for Final Distribution on 12/15/11.</p> <p>An Inventory & Appraisal was filed 01/26/11.</p> <p>Clerk's Certificate of Mailing filed 05/29/12 states that Chris Johnson was mailed a copy of the 05/24/12 minute order and Order to Show Cause on 05/29/12.</p> <p>Clerk's Certificate of Mailing filed 07/27/12 states that Chris Johnson was mailed a copy of the 07/12/12 minute order and Order to Show Cause on 07/27/12.</p> <p>Minute Order from hearings on Order to Show Cause and Status re Filing of the Account on 08/09/12 state: Mr. Johnson informs the court that he is in the process of preparing the accounting and continued the status hearing to 10/05/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 04/12/13</u> Minute order from 04/12/13 states: No appearances. The Court sets the matter for an Order to Show Cause on 05/10/13 regarding why Chris Johnson should not be removed as executor and imposition of sanctions in the amount of \$500.00. The Court orders Christ Johnson to be personally present on 05/10/13.</p> <p>As of 05/07/13, the petitioner has not filed any new documents.</p> <p style="text-align: center;">1. Need First Account or Petition for Final Distribution.</p>
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		File 20A – Johnson																																														

**Order to Show Cause Re: Why Chris Johnson Should not be Removed as Executor;
Imposition of Sanctions in the Amount of \$500.00**

DOD: 09/26/08	<p>CHRIS JOHNSON, son, was appointed Executor and Letters were issued on 10/21/10.</p> <p>Minute Order from hearing on 10/21/10 set a status for filing the First Account or Petition for Final Distribution on 12/15/11. This status hearing has been continued 10 times.</p> <p>At a hearing on 04/12/13, the Court set this matter for an Order to Show Cause regarding why Chris Johnson should not be removed as Executor and the imposition of sanctions in the amount of \$500.00.</p> <p>Clerk's Certificate of Mailing filed 04/15/13 states that a copy of the Minute Order dated 04/12/13 and Order to Show Cause were mailed to Chris Johnson on 04/15/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from		
Aff.Sub.Wit.		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 05/07/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20B – Johnson</p>

20B

DOD: 05/19/12		<p>SUZIE ANTUNA, daughter, was appointed Administrator with Full IAEA and without bond on 08/22/12.</p> <p>Letters of Administration were issued on 08/22/12.</p> <p>Minute Order from status hearing regarding filing of the Inventory & Appraisal dated 01/25/13 set this matter for a Status Hearing and states: Ms. Antuna informs the Court that the Inventory & Appraisal was filed this morning, however, a \$2,000.00 check was not included. Matter set for a Status Hearing on 05/10/13. The Court directs Ms. Antuna to meet with Court Examiner Sarah Campbell forthwith.</p> <p>Inventory & Appraisal filed 01/25/13 - \$57,287.66</p> <p>Supplemental Inventory & Appraisal filed 04/25/13 - \$2,000.00</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need status update.</p>
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FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 05/07/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 – Rocha</p>	